

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bill Patt and Jason George and their successors as Trustees of the Operating Engineers Local #49 Health and Welfare Fund, Michael Crabtree and his successors as a Fiduciary of the Central Pension Fund of the International Union of Operating Engineers and Participating Employers, Eric Gulland and his successors as Trustee of the Local #49 International Union of Operating Engineers and Associated General Contractors of Minnesota Apprenticeship and Training Program, the Operating Engineers Local #49 Health and Welfare Fund, the Central Pension Fund of the International Union of Operating Engineers and Participating Employers, and the Local #49 International Union of Operating Engineers and Associated General Contractors of Minnesota Apprenticeship and Training Program,

Plaintiffs,

v.

Phoenix Corp. and Brian Connell,
individually,

Defendants.

File No. 19-cv-2653 (ECT/HB)

ORDER

Christy E. Lawrie, Amy L. Court, and Carl S. Wosmek, McGrann Shea Carnival Straughn & Lamb, Chtd, Minneapolis, MN, for Plaintiffs.

This matter is before the Court on Plaintiffs' motion for entry of judgment. Defendants are in default and have not responded to the motion. Having reviewed

Plaintiffs' submissions, the Court is satisfied that Plaintiffs are entitled to a judgment against Defendant Phoenix Corp. in the amount of \$15,736.46 and against Defendant Brian Connell in the amount of \$8,454.37.

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS ORDERED THAT:**

1. Plaintiffs' motion for entry of judgment [ECF No. 10] is **GRANTED**;
2. Defendant Phoenix Corp. is liable to Plaintiffs in the total amount of \$15,736.46, which amount includes \$32,635.59 in delinquent fringe-benefit contributions for the period of May 3, 2018 through April 30, 2019; \$4,895.34 in liquidated damages; an offset credit of \$23,161.97 already paid by Defendants; \$717.50 in attorneys' fees; and \$650.00 in costs.
3. Defendant Brian Connell is liable to Plaintiffs in the total amount of \$8,454.37, which amount includes \$15,830.10 in delinquent fringe-benefit contributions owed to Plaintiff Operating Engineers Local #49 Health and Welfare Fund for the period of May 3, 2018 through April 30, 2019; \$2,374.52 in liquidated damages owed to Plaintiff Operating Engineers Local #49 Health and Welfare Fund; an offset credit of \$11,117.75 already paid by Defendants; \$717.50 in attorneys' fees; and \$650.00 in costs.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: January 27, 2020

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court